From: Oetker, Susan
To: Shawn Sartorius
Subject: comment and response
Date: Monday, July 3, 2017 8:56:08 AM

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(5) Comment: We received comments from NMDGF, NMSLO, and one commenter expressing concern that listing may affect relationships with landowners along the Black River and that we have not adequately considered the conservation being implemented in the Black and Delaware River watersheds. In particular, NMSLO requested we evaluate the conservation efforts using our Policy for Evaluation of Conservation Efforts when Making Listing Decisions (PECE).

Our Response: We share the commenters' desire to maintain relationships with landowners along the Black River. NMDGF has spent considerable time and effort developing relationships with the private landowners on the Black River in order to access the river, survey for Texas hornshell, and implement conservation measures for the species. The Service, NMDGF, NMSLO, Bureau of Land Management (BLM), and private landowners have implemented CCAs/CCAAs for Texas hornshell in the Black and Delaware River watersheds, which will provide voluntary conservation that will reduce threats to the species while improving physical habitat and water quality. These agreements provide for the conservation of Texas hornshell while providing the landowner with a permit for incidental take of the species during the course of otherwise lawful activities. It is our intent that these agreements will help maintain landowner relationships in the Black and Delaware River watersheds.

Because the CCAs/CCAAs cover the Black and Delaware River waterhseds and not the full range of the species, the reduction in threats is not widespread enough to preclude listing the Texas hornshell as an endangered species. We apply PECE to determine if the conservation efforts provide certainty of implementation and effectiveness and, thereby, improves the status, as defined by the Act, of the species such that it does not

meet the Act's definition of a threatened or endangered species. Although the CCAs/CCAAs will improve the status of the Texas hornshell in the Black and Delaware Rivers, there are four populations of Texas hornshell that will not be affected by the agreements. Therefore, the agreements will not improve the status of Texas hornshell such that it does not meet the Act's definition of a threatened or endangered species.

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